

**STATE OF LOUISIANA  
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS  
CORRECTIONS SERVICES**

**Department Regulation  
No. B-01-003**

**20 July 2006**

**Inmate Classification, Sentencing and Service Functions  
General  
Louisiana Risk Review Panel**

1. **AUTHORITY:** Secretary of the Department of Public Safety and Corrections as contained in Chapter 9 of Title 36 and La. R.S. 15:574.22.
2. **REFERENCES:** La. R.S. 15:574.22, Department Regulation No. B-01-004 "Louisiana Risk Need Assessments" and Louisiana Register dated July 20, 2006.
3. **PURPOSE:** To establish the Secretary's policy regarding the formation of the Louisiana Risk Review Panel pursuant to legislative intent and the provisions of Act 403 of the 2001 Regular Session.
4. **APPLICABILITY:** Deputy Secretary, Chief of Operations, Undersecretary, Assistant Secretary of the Office of Adult Services, Wardens, Director of Probation and Parole, Chairman/Board of Parole, Chairman/Board of Pardons and administrators of local jail facilities.
5. **PANEL COMPOSITION AND GUIDELINES:**
  - A. The Secretary hereby creates three regional Risk Review Panels to be known as the North Louisiana Panel, (supported by David Wade Correctional Center serving as the regional state facility), the Central Louisiana Panel, (supported by David Wade Correctional Center with the Work Training Facility-North serving as the regional state facility), and the South Louisiana Panel, (supported by the Elayn Hunt Correctional Center as the regional state facility.) The Secretary shall designate the parishes which will comprise each panel and shall appoint a Chairman and a Coordinator for each panel.
  - B. Each Risk Review Panel shall consist of five members as follows:
    - 1) The Secretary, or his designee, who shall be Chairman;
    - 2) A Psychologist (either licensed or working directly under the supervision of a licensed psychologist), who shall be authorized and approved by the Secretary;
    - 3) The Warden (or his Deputy) at the state facility where the inmate is housed;

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The regional state facility Warden (or his Deputy) for inmates housed in local jail facilities.

- 4) A retired judge with criminal law experience, who shall be appointed by the Governor; and
  - 5) A Probation and Parole Officer-Adult with a minimum of ten years experience, who shall be appointed by the Governor.
- C. A majority of the members of each panel shall constitute a quorum. All official actions of the panel shall require an affirmative vote of a majority of members present.
- D. Each panel or panel member may work in any region. A panel shall meet on the call of the chairman or upon the request of any three members.
- E. Panel members, other than Departmental employees, may receive a per diem for each hearing they attend. The amount of the per diem shall be fixed by the Secretary in accordance with La. R.S. 15:574.22(D.) All members shall receive travel reimbursement in accordance with Department Regulation No. A-03-002 "Travel" and PPM No. 49.
- F. Panels shall follow the provisions of La. R.S. 42:1 et seq. (Public Policy for Open Meetings Law) and Roberts Rules of Orders.
- G. Official results shall be maintained on a docket sheet results form.
- H. Recommendations made by individuals other than those employed by the Department of Public Safety and Corrections or the local jail facility where the inmate is housed shall be made in writing.

**6. SELECTION CRITERIA**

- A. Pursuant to La. R.S. 15:574.22 G. (1), (2), and (3), the following inmates are ineligible to apply for Risk Review Panel consideration:
- 1) An inmate convicted of a crime of violence as defined or enumerated in La. R.S. 14:2(13);
  - 2) An inmate convicted of a sex offense as defined in La. R.S. 15:540 et seq. when the victim was under the age of 18 at the time of commission of the offense;

- 3) An inmate convicted of a violation of the Uniform Controlled Dangerous Substances Law except for any of the following:
  - a. Possession as defined in La. R.S. 40:966(C), 967(C), 968(C), 969(C) or 970(C);
  - b. Distribution or possession with the intent to distribute cocaine where the offense of conviction involved less than 28 grams of cocaine;
  - c. Distribution or possession with the intent to distribute marijuana where the offense of conviction involved less than one pound of marijuana.
  - d. Sentenced to life imprisonment and has served at least seven years in actual custody.
- 4) An inmate sentenced as a habitual offender under La. R.S. 15:529.1 where one or more of the crimes was a crime of violence defined or enumerated in La. R.S. 14:2(13).

B. Pursuant to this regulation, the following inmates are also ineligible to apply for Risk Review Panel consideration:

- 1) Participating in or recommended for participation in the IMPACT program;
- 2) 180 days or less until earliest release date;
- 3) Felony detainer(s) or open warrant(s);
- 4) An inmate sentenced as a habitual offender under La. R.S. 15:529.1 where one or more of the crimes was a sex offense as defined in La. R.S. 15:540 et seq.

C. An application will be ineligible for Risk Review Panel referral in the following circumstances:

- 1) A poor disciplinary record, to include habitual and compulsive violent behavior, consistent signs of bad work habits, lack of cooperation or good faith and/or other undesirable behavior;

- 2) Maximum Custody Status;  
  
Exception: Inmates assigned to maximum custody solely based upon classification criteria and not for disciplinary reasons are eligible.
- 3) Low Level of Program Activity - Inmates should demonstrate initiative, participation in self help programs and good work habits (where available);
- 4) Extensive criminal history, to include habitual or compulsive use of violence against the person;
- 5) Extensive Probation and Parole revocation history;
- 6) Prior history of mental illness that would lead to the conclusion that the individual is a danger to society;
- 7) Communicable or contagious disease for which inmate has not been receptive to or is non-compliant with treatment (e.g. tuberculosis, Hepatitis A, B, and C, Human Immunodeficiency Virus (HIV) and sexually transmitted diseases);
- 8) Found guilty of being in possession of or under the influence of a controlled dangerous substance during the current term of incarceration;
- 9) Poor restitution payment history.

**7. APPLICATION PROCEDURES:**

- A. All requests for consideration must be submitted on the Department's official Risk Review Panel Application form.
- B. State inmates in state facilities will apply to the Warden at the facility in which they are housed. The application will be reviewed by appropriate staff and a recommendation concerning the inmate's statutory and technical eligibility pursuant to this regulation for Risk Review Panel review will be made. Facilities located in the geographical area of the North Louisiana and Central Louisiana Panels will forward the application with recommendation to the appropriate Executive Staff Officer (ESO) at David Wade Correctional Center and those in the geographical area of the South Louisiana Panel will forward the application with recommendation to the ESO at Elayn Hunt Correctional Center.

- C. State inmates in local jail facilities in the geographical area of the North Louisiana and Central Louisiana Panels will apply directly to the appropriate ESO at David Wade Correctional Center and those in the geographical area of the South Louisiana Panel will apply directly to the ESO at Elayn Hunt Correctional Center.
- D. The ESO will then prepare a preliminary report. This will include confirmation of statutory, technical, and subjective eligibility pursuant to this regulation and a docketing recommendation. A recommendation for docketing is not necessarily a qualification or disqualification, as the Risk Review Panel may take such action as it deems appropriate regarding each application. Docketing is determined solely at the discretion of the panel. Applications which are determined to be ineligible for consideration will be returned to the inmate.
- E. Applications will be recommended for docketing as follows:
  - 1) **Defer Docket** - The inmate is a poor candidate for consideration. A live review is not recommended. However, the panel may move the inmate from the Defer Docket to the Hearing Docket at its discretion;
  - 2) **Hearing Docket** - A live review is recommended.
- F. Inmates placed on the Hearing Docket shall participate in risk assessment utilizing an instrument determined by the Department.
- G. If a preliminary recommendation for referral to the appropriate Board is made, then a psychological evaluation or assessment, if recommended by the panel, shall be conducted.

**8. PANEL REVIEW:**

- A. A decision relative to the location of Risk Review Panels for state inmates housed in local jail facilities will be made based upon volume:
  - 1) If the volume is high, the Risk Review Panel may go on-site locally to conduct reviews;
  - 2) If the volume is low, the inmate may be brought to the closest state facility or other designated site to conduct reviews.

- B. The relevance of witness testimony will be determined solely at the discretion of the Risk Review Panel.
- C. Panel review may be conducted either live, by file review, review of staff assessments, telephone or video conferencing, or by other conferencing methods at the discretion of the panel.
- D. Panel decisions will be recorded by individual vote on a docket results sheet. The panel may recommend that the inmate be considered for clemency by the Board of Pardons or the panel may recommend that the person be considered for parole by the Board of Parole. The panel may also recommend to the appropriate board such conditions for clemency or parole as may be deemed appropriate. Any recommendation of the panel shall not be binding on either Board.
- E. The panel may also make recommendations for referral to programs within the Department, such as IMPACT or work release.
- F. The panel's decision shall be disseminated to the inmate by letter from the Chairman with a copy to the appropriate Warden or local jail administrator. In the event the inmate is denied a favorable recommendation, the letter may include instructions concerning the inmate's ability to reapply for consideration. Re-application frequency shall be a minimum of six months and shall be determined at the discretion of the panel.
- G. Risk Review Panel recommendations are not appealable through the Administrative Remedy Procedure.

**9. OTHER CONSIDERATIONS FOR PANEL DELIBERATIONS:**

- A. Panels shall consider any other pertinent information during deliberations. Such information may include, but shall not be limited to the following:
  - 1) Presentence reports, master prison records, medical and psychological records;
  - 2) Risk level based upon Louisiana Risk Need Assessment II (LARNA II) score;
  - 3) Comments submitted by the sentencing judge, district attorney, assistant district attorney, the Board of Parole, the Board of Pardons, the victim or victim's family or the inmate;

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- 4) The age of the inmate (to include consideration of chronological age and length of confinement where such contributes to a reduction in danger to the public);
- 5) Current medical condition (where such contributes to a reduction in danger to the public);
- 6) Damage or injury occasioned by the crime committed;
- 7) Resources available to the inmate in the event of release (job and housing, family or other support, skill level); and
- 8) The extent to which the sentence for the instant offense exceeded the minimum sentence in effect at the time of sentencing.

B. Registered victims shall receive a letter advising them of the purpose of the Risk Review Panel review at the time the inmate is placed on a docket.



Richard L. Stalder  
Secretary

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This regulation supersedes Department Regulation No. B-01-003 dated 20 December 2003.